

# ***Weighmaster Enforcement Program***



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**INFORMATION GUIDE**

# Introduction

The Weighmaster Enforcement Program assures that commercial transactions based on quantities certified on a weighmaster certificate are accurate. The Program licenses as weighmasters, individuals or firms who weigh, measure, or count bulk commodities and issue certificates of accuracy of the weight, measure, or count. Those weighmaster certificates are used as the basis to buy or sell the commodity identified on the certificate or to charge for a service based on the quantity on the certificate, i.e., moving household goods. There are approximately 90 different types of industries that are licensed by the program. The use of these certificates to buy and sell commodities represents over 45 billion dollars per year in California's economy.

Program activities include:

- Reweighing of vehicles and containers to verify the net weight statements on weighmaster certificates.
- Routine, as well as spot inspections of establishments involved in bulk sales through the use of undercover sales or purchases of commodities.
- Investigation of complaints alleging fraudulent use or misuse of weighmaster certificates.

This program is funded by license fees paid by the regulated industries.

## **Where Can the Laws and Regulations be Found?**

The laws relating to weighmasters were first enacted in 1916 and are found in the [California Business and Professions Code, Division 5, Chapter 7](#). Regulations that further define and implement the laws are found in the [California Code of Regulations, Title IV, Division 9, Chapter 9](#). Most violations of the weighmaster laws are classified as misdemeanors and carry fines of up to \$1,000 per violation and/or six months in county jail.

# General Terms and Definitions

<b>Gross Weight</b>	The weight of the commodity <b>and</b> the container(s) or vehicle(s) that holds and transports the commodity being weighed. The loaded weight of the container(s) or vehicle(s).
<b>Locations</b>	<p><b><u>Fixed Location</u></b></p> <p>A location used consistently by a weighmaster to conduct weighing, measuring, or counting of commodities and the issuing of weighmaster certificates.</p> <p><b><u>Principal Fixed Location</u></b></p> <p>The primary weighing, measuring, or counting location licensed by a weighmaster. It may have multiple weighing or measuring devices as long as they are all on the same property and address. A \$75 fee is paid for this location.</p> <p><b><u>Non-Fixed Location</u></b></p> <p>A location that is a random, non-established location where weighing, measuring, or counting of commodities is performed and weighmaster certificates are issued by the licensee. A \$200 fee is paid for this type of operation.</p> <p><b><u>Additional Location</u></b></p> <p>A secondary weighing, measuring, or counting location licensed by a weighmaster. It may have multiple weighing or measuring devices as long as they are all on the same property and address. A \$30 fee is paid for this location.</p>
<b>Net Weight</b>	The weight of the commodity. The weight of any container(s) or vehicles(s) used to hold the commodity is excluded.
<b>Signature</b>	The name of a deputy weighmaster performing the weighing or measuring, as written on the weighmaster certificate by that person, consisting of the first and last name or first and middle initial and last name or first initial and last name. The name of the deputy weighmaster can also be electronically imprinted provided it is the name of the person actually doing the weighing or measuring.

<p><b>Tare Weight</b></p>	<p><b><u>Common Tare Weight</u></b></p> <p>The average tare weight of a group or lot of containers or pallets, each weighing less than 1,000 pounds, determined by a weighmaster prior to the time of delivery of the commodity. The common tare is used in lieu of actually weighing the containers or pallets each time to complete the weighmaster certificate.</p> <p><b><u>Predetermined Individual Tare Weight</u></b></p> <p>The tare weight or unladen weight of an individual vehicle, container, or pallet, determined by a weighmaster prior to the time of delivery of a commodity. The predetermined individual tare is used in lieu of actually weighing the individual vehicle, container, or pallet each time to complete the weighmaster certificate.</p> <p><b><u>Seasonal Tare Weight</u></b></p> <p>The tare weight of a fuel consuming vehicle (truck tractor) used to transport bulk loads of tomatoes. It is officially established by a weighmaster with the issuance of a cab card. The seasonal tare weight is used in lieu of actually weighing the truck tractor each time to complete the weighmaster certificate.</p> <p><b><u>Timber Tare Weight</u></b></p> <p>The unladen weight of a vehicle or combination of vehicles used to transport loads of logs where an automated weight scaling program is used to determine the board foot volume of the load. The timber tare weight is used in lieu of actually weighing the vehicle(s) each time to complete the weighmaster certificate.</p>
<p><b>Weighmaster</b></p>	<p><b><u>Weighmaster</u></b></p> <p>A company who, for hire or otherwise, weighs, measures, or counts a commodity and issues a statement or memorandum of the weight, measure, or count which is used as the basis for either the purchase or sale of that commodity or charge for service. Deputy weighmasters perform the weighing, measuring, or counting and issue the weighmaster certificate for the company.</p> <p><b><u>Deputy Weighmaster</u></b></p> <p>An individual designated by the weighmaster to perform weighing, measuring or counting for the weighmaster and to issue weighmaster certificates in the weighmaster's name.</p>

<p><b>Weighmaster Certificate</b></p>	<p>A weighmaster certificate is a legal document completed by a deputy weighmaster. The certificate contains specific information about the:</p> <ul style="list-style-type: none"> <li>• Weight, measure or count of a commodity</li> <li>• Buyer and seller of the commodity</li> <li>• Date of the quantity determination</li> <li>• Identification of the container holding the commodity</li> <li>• Signature of the deputy weighmaster who determined the quantity certifying to the contents accuracy</li> </ul> <p>The certificate is used to buy or sell the commodity represented on the certificate, or to charge for a service based on the weight or measure on the certificate.</p>
<p><b>Weighmaster License</b></p>	<p>A permit issued by the Division of Measurement Standards to a person, firm or corporation that allows them to legally weigh, measure, or count a commodity and issue a weighmaster certificate.</p>



# Questions and Answers

***The following information provides you with answers to frequently asked questions and should be used only as a guide and not considered to be a legal authority.***

## ***What does it cost to license as a weighmaster?***

Currently the cost for the license is \$75 for the principal location and \$30 for any additional locations. Any person recording the weight, measure, or count on the certificate must be licensed as a deputy weighmaster and pay a \$20 fee. The only exceptions are individual members of a partnership or the sole owner. If the person or business does not have a fixed location, the fee is \$200 plus deputy fees.

## ***How do I obtain a weighmaster license?***

Complete an application and submit the proper fees. You may obtain an application by accessing our website at [www.cdfa.ca.gov/dms/](http://www.cdfa.ca.gov/dms/) and go to the 'Forms' category. You may also contact our office by telephone at (916) 229-3040 and an application packet will be mailed to you. Be prepared to provide the following information:

- Your company or owner name
- Address
- Telephone number

## ***As a Deputy Weighmaster at a public scale, can I weigh vehicles that are over 80,000 pounds and issue a weighmaster certificate?***

If the vehicle and load have been on a public road **before** coming to your scale, you can issue a weighmaster certificate that exceeds 80,000 pounds.

If the vehicle **was loaded at your location**, and weighs greater than 80,000 pounds before entering a public road, you **cannot** issue a weighmaster certificate for more than 80,000 pounds. It is illegal to issue a certificate for 80,000 pounds if the vehicle and load exceed 80,000 pounds. You must remove a portion of the load.

It should be noted that any vehicle being operated on a public highway in excess of 80,000 pounds without a special permit may be in violation of the California Vehicle Code.

## ***How do I add a deputy or an additional location to my weighmaster license?***

If you are making changes (adding or deleting names) to your weighmaster license:

- Make a photocopy of your weighmaster license
- If you are **adding a name**, print the name on the photocopy
- If you are **deleting a name**, draw a line through the name you are deleting on the photocopy
- If you are **adding a location**, include the following information on the photocopy:
  - a) Address of the new location
  - b) City and zip code
  - c) County
  - d) Telephone number
  - e) Type of scale and what is being weighed
  - f) Note if you weigh for the public and charge a fee
- Fees:
  - (a) A \$20.00 fee is required to add a deputy. **No fee is required if** you are adding the same number of names that you are deleting, i.e. you are adding one name and deleting one name
  - (b) A \$30.00 fee is required to add an additional location
  - (c) **If no fees are required**, you may fax your changes to (916) 229-3055
  - (d) **If fees are required**, mail your request with the appropriate fee amount to:  
CASHIER  
Department of Food and Agriculture  
PO BOX 942872  
Sacramento, CA 94271-2872

## ***As a Deputy Weighmaster at a public scale, do I always have to make everyone get out of the vehicle and off the scale?***

Yes, unless both the gross and tare weight are determined at your location without the vehicle leaving your location and the same people are in the vehicle.

## ***What do I do if someone asks for a false certificate?***

It is a misdemeanor violation for someone to ask for a false weighmaster certificate. It is also a violation for you, as a deputy weighmaster, to issue a false certificate. If someone asks you for a false certificate, you should immediately contact the Division of Measurement Standards at our e-mail address [DMS@cdfa.ca.gov](mailto:DMS@cdfa.ca.gov) or at (916) 229-3000 or contact your local [county office of weights and measures](#) to report the request.

## ***Are there exemptions to who needs to license as a weighmaster?***

Yes, the [Business and Professions Code, Division 5, Chapter 7, Section 12701](#) lists 12 exemptions to the weighmaster licensing requirements as follows:



Retailers selling bulk commodities in retail stores



Textile maintenance establishments weighing, counting, or measuring any articles in connection with their business



Agricultural commodity producers who weigh commodities produced or purchased by them or by their producer neighbors



County sanitation districts



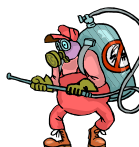
Common carriers issuing bills of lading, including carriers of household goods when the shipment weighs less than 1,000 pounds



Persons who purchase scrap metal or salvage materials for a nonprofit recycling program



Milk samplers and weighers



Pest control operators



Persons who measure the amount of oil, gas, or other fuels for royalty computation and payment, or other operations of fuel and oil companies



Retailers or recycling centers who purchase only empty beverage containers



Newspaper publishers weighing or counting newspapers for sale to dealers or distributors



Any log scaler who performs log scaling functions



***Why does the Department of Motor Vehicles (DMV) make me get a weighmaster certificate to register my truck?***

[DMV](#) requires you to get a weighmaster certificate for the tare weight (empty weight) of your truck because portions of your registration fees are based on the weight of your truck.

***I purchased several tons of material and the supplier delivered it to my home when I was not there. The driver left behind an invoice, but shouldn't I have received a weighmaster certificate?***

Yes, any time payment for a commodity is based on written weight, measure, or count and both parties are not present to observe the weighing, measuring, or counting process, a weighmaster certificate must be issued. Complaints should be directed to the Division of Measurement Standards at our e-mail address [DMS@cdfa.ca.gov](mailto:DMS@cdfa.ca.gov) or at (916) 229-3000 or your local [county office of weights and measures](#).

***The application for the weighmaster license asks me to submit a "fictitious business name" statement if I am operating under a dba (doing business as) name. Where do I get that statement?***

The [California Business and Professions Code, under Sections 17900 to 17930](#), requires a person, partnerships, and corporations operating under a name other than the owner's surname, the partners' surnames, or the actual corporation's name to file a "fictitious business name" statement. This must be filed with the clerk of the county in which the business has its principal place of business in the state. This filing is valid for 5 years and then must be renewed.

***How long do I need to keep copies of my issued Weight Certificates?***

According to the [Business and Professions Code, Division 5, Chapter 7, Section 12716](#), copies must be retained for a period of four years.